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PATENT, TRADEMARK AND COPYRIGHT LAW  
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TO	<u>Paulette Kidwell (703) 305-3656</u>	<u>10/3/2001</u>
NAME		DATE
	<u>USPTO</u>	<u>(703) 305-3230</u>
COMPANY/FIRM		FAX #
NUMBER OF PAGES INCLUDING COVER: <u>8</u>		CONFIRM FAX: (703) 413-2220
FROM	<u>Amy Mahaffey</u>	<u>205654US2 PCT</u>
NAME		OUR REFERENCE
	<u>(703) 412-2928</u>	<u>09/807/951</u>
DIRECT PHONE #		YOUR REFERENCE

**MESSAGE**

Ms. Kidwell,

Here is the filing that we discussed that includes the correct serial number for this case. The correct number is 09/807,951. Thanks for your help.

Amy

Unless otherwise indicated or obvious from the nature of the transmittal, the information contained in this facsimile message is attorney privileged and confidential information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service at our Expense. Thank You.

O.S.&M File No. 205654US2PCT By MJS/jnw EF

Due Date 07-31-01

Serial No. 09/807,951

In the Matter of the Application of Nobuo KIKUCHI, et al.

For CDMA MOBILE COMMUNICATON STATION, CDMA MOBILE COMMUNICATION SYSTEM, AND CDMA PACKET TRANSMISSION METHOD

The following has been received in the U.S. Patent Office on the date stamped hereon:

☒ Response to Notification of Missing Requirements

☒ Copy of Date-Stamped Filing Receipt

☒ Copy of Declaration, Petition & Power of Attorney (3 pages)

☒ Copy of Notification of Missing Requirements

☐ List of Inventor Names and Addresses

☐ Rule 60 Application;

☐ Rule 62 Application

☐ Notice of Priority;

☐ Priority Doc. ( )

☐ Check for \$ \_\_\_\_\_;

☐ Dep. Acct. Order Form

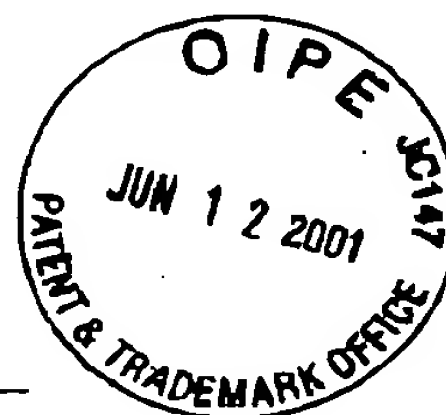
☐ Letter to Official Draftsman

☐ Letter Requesting Approval of Drawing Changes

☐ Drawings \_\_\_\_\_ sheets

☐ Amendment

DATE REC'D \_\_\_\_\_



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Nobuo KIKUCHI, et al.

SERIAL NUMBER: 09/807,951

FILED: 25 April 2001

FOR: CDMA MOBILE COMMUNICATION STATION, CDMA MOBILE  
COMMUNICATION SYSTEM, AND CDMA PACKET TRANSMISSION METHOD

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D. C. 20231

Sir:

Responsive to the notification dated *31 May 2001*, and in accordance with the provisions of 35 U.S.C. 371, Applicants submit herewith a copy of the date-stamped filing receipt evidencing the filing of a Rule 63 Declaration as well as a copy of the Declaration.

The required surcharge was paid at the time of filing the application.

Applicants wish to point out that the Declaration was filed on May 22, 2001 under serial number 09/807,551 since applicant's original date-stamped filing receipt indicated a preliminary serial number of 09/807,551. However, subsequent correspondence from the Patent Office has indicated a different serial number of 09/807,951.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is earnestly solicited.



**22850**

(703) 413-3000

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P. C.

---

Marvin J. Spivak  
Registration No. 24,913  
Surinder Sachar  
Registration No. 34,423

## Declaration and Power of Attorney For Patent Application

## 特許出願宣言書及び委任状

205654US2PCT

## Japanese Language Declaration

COPY

## 日本語宣言書

COPY

下記の氏名の発明者として、私は以下の通り宣言します。

私の住所、私書箱、国籍は下記の私の氏名の後に記載された通りです。

下記の名称の発明に関して請求範囲に記載され、特許出願している発明内容について、私が最初かつ唯一の発明者（下記の氏名が一つの場合）もしくは最初かつ共同発明者（下記の名称が複数の場合）であると信じています。

上記発明の明細書は、

☐ 本書に添付されています。

☐ \_\_\_\_月\_\_\_\_日に提出され、米国出願番号または特許協定条約国際出願番号を\_\_\_\_とし、  
(該当する場合) \_\_\_\_に訂正されました。

私は、特許請求範囲を含む上記訂正後の明細書を検討し、内容を理解していることをここに表明します。

私は、連邦規則法典第37編第1条56項に定義されるとおり、特許資格の有無について重要な情報を開示する義務があることを認めます。

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled.

CDMA MOBILE COMMUNICATION STATION, CDMA

MOBILE COMMUNICATION SYSTEM, AND CDMA

PACKET TRANSMISSION METHOD

the specification of which

☐ is attached hereto.

☒ was filed on 13 July 2000  
as United States Application Number or  
PCT International Application Number  
PCT/JP00/04681 and was amended on  
\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

### Japanese Language Declaration (日本語宣言書)

私は、米国法典第35編119条 (a) - (d) 項又は365条 (b) 項に基づき下記の、米国以外の国の少なくとも一カ国を指定している特許協力条約365 (a) 項に基づく国際出願、又は外国での特許出願もしくは発明者証の出願についての外国優先権をここに主張するとともに、優先権を主張している、本出願の前に出願された特許または発明者証の外国出願を以下に、枠内をマークすることで、示しています。

#### Prior Foreign Application(s)

外国での先行出願

11/239404

(Number)  
(番号)

JAPAN

(Country)  
(国名)

(Number)  
(番号)

(Country)  
(国名)

私は、第35編米国法典119条 (e) 項に基づいて下記の米国外特許出願規定に記載された権利をここに主張いたします。

(Application No.)  
(出願番号)

(Filing Date)  
(出願日)

私は、下記の米国法典第35編120条に基づいて下記の米国外特許出願に記載された権利、又は米国外を指定している特許協力条約365条 (c) に基づく権利をここに主張します。また、本出願の各請求範囲の内容が米国法典第35編112条第1項又は特許協力条約で規定された方法で先行する米国外特許出願に開示されていない限り、その先行米国外出願書提出日以降で本出願書の日本国内または特許協力条約国際提出日までの期間中に入手された、連邦規則法典第37編1条56項で定義された特許資格の有無に関する重要な情報について開示義務があることを認識しています。

PCT/JP00/04681

(Application No.)  
(出願番号)

13 JULY 2000

(Filing Date)  
(出願日)

(Application No.)  
(出願番号)

(Filing Date)  
(出願日)

私は、私自信の知識に基づいて本宣言書中で私が行なう表明が真実であり、かつ私の入手した情報と私の信じるところに基づく表明が全て真実であると信じていること、さらに故意になされた虚偽の表明及びそれと同等の行為は米国法典第18編第1001条に基づき、罰金または拘禁、もしくはその両方により処罰されること、そしてそのような故意による虚偽の声明を行なえば、出願した、又は既に許可された特許の有効性が失われることを認識し、よってここに上記のごとく宣誓を致します。

I hereby claim foreign priority under Title 35, United States Code, Section 119 (a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

#### Priority Claimed

優先権主張

AUGUST 26, 1999

(Day/Month/Year Filed)  
(出願年月日)

☒

Yes  
はい

☐

No  
いいえ

(Day/Month/Year Filed)  
(出願年月日)

☐

Yes  
はい

☐

No  
いいえ

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

(Application No.)  
(出願番号)

(Filing Date)  
(出願日)

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of application.

(Status: Patented, Pending, Abandoned)  
(現況: 特許許可済、係属中、放棄済)

(Status: Patented, Pending, Abandoned)  
(現況: 特許許可済、係属中、放棄済)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or Imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

# Japanese Language Declaration (日本語宣言書)

委任状：私は下記の発明者として、本出願に関する一切の手続きを米特許商標局に対して遂行する弁理士または代理人として、下記の者を指名いたします。  
(弁理士、または代理人の指名及び登録番号を明記のこと)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: (list name and registration number)

Norman F. Oblon, Reg. No. 24,618; Marvin J. Spivak, Reg. No. 24,913; C. Irvin McClelland, Reg. No. 21,124; Gregory J. Maier, Reg. No. 25,599; Arthur I. Neustadt, Reg. No. 24,854; Richard D. Kelly, Reg. No. 27,757; James D. Hamilton, Reg. No. 28,421; Eckhard H. Kuesters, Reg. No. 28,870; Robert T. Pous, Reg. No. 29,099; Charles L. Gholz, Reg. No. 26,395; William E. Beaumont, Reg. No. 30,996; Jean-Paul Lavalleye, Reg. No. 31,451; Stephen G. Baxter, Reg. No. 32,884; Richard L. Treanor, Reg. No. 36,379; Steven P. Weihrauch, Reg. No. 32,829; John T. Goolkasian, Reg. No. 26,142; Richard L. Chinn, Reg. No. 34,305; Steven E. Lipman, Reg. No. 30,011; Carl E. Schlier, Reg. No. 34,426; James J. Kulbaski, Reg. No. 34,648; Richard A. Nelfeld, Reg. No. 35,299; J. Derek Mason, Reg. No. 35,270; Surlinder Sachar, Reg. No. 34,423; Jeffrey B. McIntyre, Reg. No. 36,867; William T. Enos, Reg. No. 33,128; Michael E. McCabe, Jr., Reg. No. 37,182; Bradley D. Lytle, Reg. No. 40,073; and Michael R. Casey, Reg. No. 40,294, with full powers of substitution and revocation.

## 書類送付先

Send Correspondence to:

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.  
FOURTH FLOOR  
1755 JEFFERSON DAVIS HIGHWAY  
ARLINGTON, VIRGINIA 22202 U.S.A.

## 直接電話連絡先：(名前及び電話番号)

Direct Telephone Calls to: (name and telephone number)  
(703) 413-3000

単独発明者または第一の共同発明者の氏名	Full name of sole or first joint inventor Nobuo KIKUCHI
発明者の署名 日付	Inventor's signature ✓ Nobuo Kikuchi Date ✓ 25/4/01
住所	Residence c/o Mitsubishi Denki Kabushiki Kaisha 2-3, Marunouchi 2-Chome, Chiyoda-Ku, Tokyo
国籍	Citizenship 100-8310 Japan Japan
郵便の宛先	Post Office Address same as above
第二の共同発明者の氏名	Full name of second joint inventor, if any Akihiro SHIBUYA
第二の共同発明者の署名 日付	Second joint inventor's signature ✓ Akihiro Shibuya Date ✓ 25/4/01
住所	Residence c/o Mitsubishi Denki Kabushiki Kaisha 2-3, Marunouchi 2-Chome, Chiyoda-Ku, Tokyo
国籍	Citizenship 100-8310, Japan Japan
郵便の宛先	Post Office Address same as above

(第三以降の共同発明者についても同様に記載し、署名すること)

(Supply similar information and signature for third and subsequent joint inventors.)



O.S.&M. File No. 205654US2PCT By MJS/cs FF

Due Date ASAP

Serial No. 09/807,551

In the Matter of the Application of Nobuo KIKUCHI, et al.

For CDMA MOBILE COMMUNICATION STATION, CDMA MOBILE COMMUNICATION SYSTEM, AND CDMA PACKET TRANSMISSION METHOD

The following has been received in the U.S. Patent Office on the date stamped hereon:

- ☐ \_\_\_ pps. Specification & \_\_\_ Claims (English Translation)
- ☒ Combined Declaration, Petition & Power of Attorney (3 pages)
- ☒ Submission of Declaration under 37 CFR 1.494
- ☒ PCT Transmittal Letter
- ☐ Verified Statement (Declaration) Claiming Small Entity Status
- ☐ Submission of Verified Statement (Declaration) Claiming Small Entity Status
- ☐ Check for \$ \_\_\_\_\_; ☒ Dep. Acct. Order Form
- ☐ Declaration of \_\_\_\_\_
- ☐ Assignment \_\_\_\_\_ pages/PTO-1595
- ☐ Letter to Official Draftsman
- ☐ Letter Requesting Approval of Drawing Changes
- ☐ Drawings \_\_\_ sheets
- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement; ☐ PTO-1449
- ☐ Cited References ( )
- ☐ \_\_\_\_\_ Search Report
- ☐ Statement of Relevancy
- ☐ Restriction Response ☐ Election Response
- ☐ Rule 132 Declaration
- ☐ Petition
- ☐ Notice of Appeal

Rec'd PCT/PTO 22 MAY 2001  
Date Rec'd

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UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/807951	KIKUCHI	N 205654US2PCT
INTERNATIONAL APPLICATION NO.		
PCT/JP00/04681		
INT. FILING DATE	PRIORITY DATE	
13 JUL 00	26 AUG 99	

OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT  
FOURTH FLOOR  
1755 JEFFERSON DAVIS HIGHWAY  
ARLINGTON, VA 22202

*Resp. to Notice 7-31-01*

DATE MAILED:

**31 MAY 2001**

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

- The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as:
  - ☒ a Designated Office (37 CFR 1.494) ☐ an Elected Office (37 CFR 1.495):
  - ☒ U.S. Basic National Fee. ☐ Indication of Small Entity Status.
  - ☒ Copy of the international application. ☒ Translation of the international application into English.
  - ☐ Oath or Declaration of inventors(s). ☐ Translation of Article 19 amendments into English.
  - ☐ Copy of Article 19 amendments. ☐ Other:
  - ☒ Priority Document.
  - ☐ The International Preliminary Examination Report in English and its Annexes, if any.
  - ☐ Translation of Annexes to the International Preliminary Examination Report into English.
- ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
  - ☐ U.S. Basic National Fee.
  - ☐ Copy of the international application.
- The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
  - ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
    - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
  - ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
  - ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
    - ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
  - ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
- Additional claim fees of \$\_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.
- ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

- If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
- ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

Enclosed: ☐ PCT/DO/EO/917  
☐ PTO-875

☐ Notice of Defective Translation  
☐ PCT/DO/EO/920

Paulette Kidwell, Paralegal

Telephone: 703-305-3656

FORM PCT/DO/EO/905 (March 2001)

**RECEIVED**

JUN 04 2001

OBLON, SPIVAK, MCCLELLAND  
MAIER & NEUSTADT, P.C.